

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1049

AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 35-41-1-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10.5. "Family housing complex" means a building or series of buildings:

- ~~(1) that is owned by a governmental unit or political subdivision;~~
- ~~(2) (1) that contains at least twelve (12) dwelling units; and~~
- ~~(3) (A) where children are domiciled or are likely to be domiciled; and~~
- ~~(B) that are owned by a governmental unit or political subdivision;~~
- (2) that is operated as a hotel or motel (as described in IC 22-11-18-1);**
- (3) that is operated as an apartment complex (as defined in IC 6-1.1-20.6-1); or**
- (4) that contains subsidized housing.**

SECTION 2. IC 35-46-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A person having the care of a dependent, whether assumed voluntarily or because of a legal obligation, who knowingly or intentionally:

- (1) places the dependent in a situation that endangers the dependent's life or health;
- (2) abandons or cruelly confines the dependent;
- (3) deprives the dependent of necessary support; or

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(4) deprives the dependent of education as required by law;
commits neglect of a dependent, a Class D felony.

(b) However, the offense is:

(1) a Class C felony if it is committed under subsection (a)(1),
(a)(2), or (a)(3) and:

(A) results in bodily injury; **or**

(B) is:

(i) **committed in a location where a person is violating IC 35-48-4-1 (delivery, financing, or manufacture of cocaine, methamphetamine, or a narcotic drug); or**

(ii) **the result of a violation of IC 35-48-4-1 (delivery, financing, or manufacture of cocaine, methamphetamine, or a narcotic drug);**

(2) a Class B felony if it is committed under subsection (a)(1),
(a)(2), or (a)(3) and results in serious bodily injury;

(3) a Class A felony if it is committed under subsection (a)(1),
(a)(2), or (a)(3) by a person at least eighteen (18) years of age and
results in the death of a dependent who is less than fourteen (14)
years of age; and

(4) a Class C felony if it is committed under subsection (a)(2) and
consists of cruel or unusual confinement or abandonment.

(c) It is a defense to a prosecution based on an alleged act under this
section that:

(1) the accused person left a dependent child who was, at the time
the alleged act occurred, not more than thirty (30) days of age
with an emergency medical provider who took custody of the
child under IC 31-34-2.5 when:

(A) the prosecution is based solely on the alleged act of
leaving the child with the emergency medical services
provider; and

(B) the alleged act did not result in bodily injury or serious
bodily injury to the child; or

(2) the accused person, in the legitimate practice of ~~his~~ **the
accused person's** religious belief, provided treatment by spiritual
means through prayer, in lieu of medical care, to ~~his~~ **the accused
person's** dependent.

(d) Except for property transferred or received:

(1) under a court order made in connection with a proceeding
under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5
or IC 31-6-5 before their repeal); or

(2) under IC 35-46-1-9(b);

a person who transfers or receives any property in consideration for the

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termination of the care, custody, or control of a person's dependent child commits child selling, a Class D felony.

SECTION 3. [EFFECTIVE JULY 1, 2006] **IC 35-41-1-10.5 and IC 35-46-1-4, both as amended by this act, apply only to crimes committed after June 30, 2006.**

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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